

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No. 2:23-cv-07952-RGK-MAR Date January 23, 2024

Title *Jeni Pearsons et al v. United States of America et al*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**Proceedings:** (IN CHAMBERS) Order Re: Plaintiffs' Motion for Extension of Time [DE 48]

On September 22, 2023, Jeni Pearsons and Michael Storc ("Plaintiffs") filed a Complaint against the United States, Lynne Zellhart, and five Doe Defendants (collectively, "Defendants") alleging violations of the Federal Tort Claims Act, the Fourth Amendment, the Fifth Amendment, and other related claims. (ECF No. 1.) On December 19, 2023, Plaintiffs filed the operative First Amended Complaint ("FAC") naming the five Doe Defendants. (ECF No. 44.) Presently before the Court is Plaintiffs' Motion for Extension of Time for Service. (ECF No. 48.) It seems Plaintiffs believe they had to serve the newly named Defendants within 90 days of filing the initial Complaint. But when, as here, a doe defendant is identified in an amended complaint, a plaintiff may serve that defendant within 90 days of filing the amended complaint. *See Jackson v. McMahon*, 2021 U.S. Dist. LEXIS 142233, at \*1, \*5 (C.D. Cal. July 29, 2021); *see also Bolden v. City of Topeka*, 441 F.3d 1129, 1149 (10th Cir. 2006) (holding that the service deadline under Federal Rule of Civil Procedure 4(m) refers to the "filing of the first version of the complaint naming the particular defendant to be served"). Since filing the Motion, Plaintiffs have served each newly named Defendant. (ECF Nos. 50–59.) Accordingly, the Court **DENIES** Plaintiffs' Motion **as moot**.

**IT IS SO ORDERED.**

Initials of Preparer

JRE/ak